

AND NOW, this 3rd day of November, 2010, upon consideration of petitioner's motion to reactivate federal habeas proceedings, to excuse exhaustion of state remedies in light of special circumstances, and to address the merits of all of petitioner's habeas claims (Doc. 31), and in light of correspondence from the Honorable Todd A. Hoover of the Court of Common Pleas of Dauphin County dated September 2, 2010 which informs the court that once petitioner's counsel apprises the Dauphin County court of the status of the medical records matter at issue in this case, "we will rule upon the representation claims, resolve any remaining discovery or pre-hearing issues, set a hearing as necessary, and proceed to [a]

decision on the merits,”¹ (Doc. 42), IT IS HEREBY ORDERED THAT petitioner’s motion (Doc. 31) is DENIED.

FURTHER, in light of disposition of the aforementioned motion (Doc. 31), IT IS HEREBY ORDERED THAT petitioner’s motion for an order deeming petitioner’s previously filed motion unopposed in light of respondents’ failure to file an answer or brief in opposition² and granting the petitioner’s motion to reactivate the federal habeas proceedings and consider the merits of all of petitioner’s claims (Doc. 38) is DISMISSED as moot.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge

¹ A Dauphin County court docket entry dated November 2, 2010 in Commonwealth v. Randolph, CP-22-CR-0001746-2002 (Hoover, J.), indicates that petitioner’s counsel and the Commonwealth have been granted access to the medical, psychiatric and general records of petitioner maintained by the Department of Corrections. A review of those records is to be conducted at the Department of Corrections.

² Respondents filed a response to petitioner’s motion on October 5, 2010. (Doc. 39.)